



KANSAS

DEPARTMENT OF LABOR
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

FILING OF ACCIDENT REPORTS

The Division of Workers Compensation reviews our records on an ongoing basis to determine the timeliness of the filing of accident reports (K-WC 1101-A). We have observed that some employers subject to the Workers Compensation Act are failing to file accident reports as required or they do not file the accident report in a timely manner. The purpose of this notice is to serve as a reminder of the statutory requirement and penalties of the Workers Compensation Act, and to encourage voluntary compliance.

The Workers Compensation Act sets forth a strict time frame for the filing of accident reports with the Division. The controlling statute is K.S.A. 44-557(a), which reads as follows:

(a) It is hereby made the duty of every employer to make or cause to be made a report to the director of any accident, or claimed or alleged accident, to any employee which occurs in the course of the employee's employment and of which the employer or the employer's supervisor has knowledge, which report shall be made upon a form to be prepared by the director, within 28 days, after the receipt of such knowledge, if the personal injuries which are sustained by such accidents are sufficient wholly or partially to incapacitate the person injured from labor or service for more than the remainder of the day, shift or turn on which such injuries were sustained.

Accident reports are not required to be filed for every work related injury. This section only requires the accident report to be filed when the worker's disability, full or partial, continues beyond the "day, turn, or shift on which such injuries are sustained."

Subsection (d) of this statute subjects the employer to a civil penalty of \$250. This penalty can be assessed for the repeated failure to file as required in subsection (a).

Currently, the Division is monitoring accident reports and looking for occurrences of untimely filing, failure to file and fraudulent reports. If any employer repeatedly fails to file after the statutory time period, this office will take appropriate action under the workers compensation law and pursue full penalties.

Naturally, the Division of Workers Compensation would prefer to see voluntary compliance with the law. Voluntary compliance conserves everyone's limited resources for more useful purposes. Nevertheless, as Director of the Division of Workers Compensation, my policy will be to enforce all provisions of the workers compensation law. If you are an approved self-insured employer, share this information with your claim handling section. If you are a member of a group funded workers compensation pool or utilize the services of a third party administrator, you need to take the necessary steps to ensure that the accident reports for your business are filed in a timely manner.

For those of you who are currently complying with the law, I appreciate your efforts and encourage your continued compliance.

If you would care to discuss this further or have any questions, do not hesitate to contact the Division's Ombudsman Section. The number is 1-800-332-0353 or 785-296-2996.

Sincerely,

A handwritten signature in black ink, reading "Paula Greathouse". The signature is fluid and cursive, with the first name "Paula" written in a larger, more prominent script than the last name "Greathouse".

Paula Greathouse, Director
Division of Workers Compensation